

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7702 OF 2006

Pimpri Chinchwad Municipal
Transport and anr.

.... Petitioner

versus

Ganesh Govind Golande & ors Respondent.

Mr. N.V.Walawalkar with G.H.Keluskar for the
petitioners.

Mr. K.S.Bapat i/b. Pankaj S. Moholkar for the
respondents.

CORAM; A.P. DESHPANDE, J.
DATED; 13TH FEBRUARY, 2007

P.C.;

1. This petition is directed against the interlocutory order passed by the Industrial Court at Pune in complaint(ULP) NO. 104 of 2006 below Exh. U-2. The petitioner herein is Pimpri Chinchwad Municipal Transport engaged in plying buses within the municipal limits of Pimpri Chinchwad Municipal Corporation. All respondents 1 to 46 were appointed in the year 1990 as clerks. They completed un-interrupted satisfactory service of 12 years in the year 2002 and on account of scheme framed by the Government in its Government Resolution dated 8th June 1995, were granted higher pay scale under the said scheme. Perusal of the scheme framed by the

government under its G.R. shows that the said scheme was formulated to overcome stagnation and make available a higher pay scale to such of the employees, who satisfies the conditions contained in the G.R. after completion of 12 years. it is undisputed that from November 2002, the respondents were extended the benefit under the G.R. dated 8th June 1995 and were paid in new pay scale admissible to next promotional post of Senior clerks. It appears that after extending the benefit to the respondents from November 2002 under the G.R. dated 8th June 1995, the Government seems to be considering, achieving parity in the pay scales made available to the employees of P.M.T. and P.C.M.T. as merger of PMT and PCMT was in contemplation. By a communication dated 26th July 2005, the Commissioner of PMT and PCMT are informed that as the union of the employees of Pimpri Chinchwad has suggested by its letter dated 22nd July 2005 to make applicable, the benefits granted to the employees of PMT, in place of granting benefits under the 5th Pay Commission, the State Government is extending its concurrence. By communication dated 3rd October 2005 the Government approved application of pay scale from the year 1997 in the revised pay scale. The scales granted to the employees of PCMT immediately on receipt of communication dated 3rd October 2005, in purported implementation of the decision, and the PCMT/petitioner reduced the pay scale of the

respondents with effect from October 2005. Aggrieved by the reduction in the pay scale, the respondent moved the Industrial court by a complaint, which is referred to hereinabove. In the said complaint an application at Exh.U-2 was filed seeking interim relief in the nature of directions to grant the pay scale i.e. granted to senior clerks in the employment of PMT. The trial court has allowed the application and issued the directions as sought for by the respondents. Aggrieved by the said interim order, the present writ petition has been filed.

2. The respondent has contended before the Industrial court that the Government Resolution dated 3-10-2005 does not even remotely suggest the cancellation of G.R. dated 8-6-1995 and the resolution passed by the Transport Committee followed by order of the General Manager dated 7-2-2004. It is relevant to note that the pay scale made available to the respondents in the year 2002 (on completion of 12 years of service) was Rs. 1400-40-1800-EB-5002300 and the corresponding scale admissible to PMT employees as per the settlement entered into in the year 1997 is Rs.

4100-100-5100-105-6150-110-6700-115-7275-120-10395.

Irrespective of the said pay scale prescribed for the employees in the cadre of Senior clerk working with PMT, the respondents were tried to be filled in the pay scale of

3250-75-400-80-4800-85-2225-90-5675-95-8715.

The

Industrial court has recorded a categorical finding that as the effect of Government Resolution dated 8-6-1995 has not been cancelled by the GR dated 3-10-2005, the respondents herein would be required to be treated at par in the pay scale admissible to the senior clerk working with PMT. The Industrial court

has also recorded a prima facie finding that reducing

the pay

scale from October 2005 under purported implementation of the Government Resolution dated 3-10-2005, constituted unfair labour practice under item 9 of Schedule IV of the Act. On perusal of the order passed by the Industrial court, it is seen that the Industrial court has prima facie considered the claim made by the respondents for grant of interim relief on settled legal principles. The impugned order does not suffer from any patent illegality. No doubt the impugned order makes an incorrect mention in regard to the applicability of the pay scales prescribed in 5th Pay Commission in the later part of para 20 of the order. What is spoken of by the Industrial court is

corresponding scale as per 5th Pay Commission need to

be understood as the corresponding scale

granted to the PMT employees under settlement entered

into in the year 1997.

3. The learned counsel for the petitioner has

contended that if and in case the respondents finally
 succeeded in the complaint, they would be receiving
 all the benefits and hence it cannot be said that the
 respondent would suffer irreparable loss if interim
 order is not passed in their favour. Per contra the
 learned counsel for the respondent has submitted that
 they have received higher pay scale from November 2002
 to October 2005 and the pay scale has been reduced
 drastically from October 2005 in purported
 implementation of the GR dated 3-10-2005. The learned
 counsel then submitted that all the respondents have
 hardly put in 15 to 16 years of service and would
 continue to be in the employment of the petitioner for
 quite number of years and if and in case ultimately
 the complaint is dismissed, it shall be open for the
 petitioner to recover the amount which the respondents
 would be receiving under the interim order passed by
 the Industrial court. In my opinion, the
 interlocutory order passed by the Industrial court
 does not suffer from any patent illegality or
 perversity and hence no interference in the said order
 is called for.

4. In the result, the writ petition is summarily
 dismissed. However having regard to the nature of
 controversy, in my opinion, ends of justice would be
 advanced by expediting the hearing of the complaint by
 the Industrial court. I direct the Industrial court

to decide the complaint as expeditiously as possible
and as far as possible within a period of six months
from today, uninfluenced by the observations made in
this order touching the merit of the matter.

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